

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

State of South Carolina,)	CA: 1:16-00391-JMC
)	
Plaintiff(s),)	
)	
v.)	
)	
United States, <i>et al.</i> ,)	
)	
Defendant(s).)	

**DEFENDANTS' RESPONSE TO
THE STATE'S STATEMENT ON INJUNCTIVE RELIEF**

In an August 14, 2017 text order, ECF No. 102, this Court provided each party the opportunity to respond to the other's Statement on Injunctive Relief, ECF No. 97. Because Defendants' Statement was filed after Plaintiffs' Statement, Defendants have already responded to Plaintiffs' suggested relief, explaining why the various forms of injunctive relief requested by the State were impossible, premature, unnecessary, and even potentially dangerous. As Defendants explain more fully in their statement on injunctive relief, ECF No. 100, the State's proposed two-year timeline for Defendants' removal of one metric ton of defense plutonium from South Carolina is unsupported by any evidence whatsoever in the record, and impossible for Defendants to accomplish in compliance with applicable laws.

Accordingly, for the reasons explained more fully in the Defendants' statement, this Court should decline the State's requested relief and instead order Defendants to continue working diligently, in good faith, to remove one metric ton of defense plutonium from South Carolina as expeditiously as reasonably possible as set forth in the Defendants' statement on injunctive relief, the declaration of H. Allen Gunter and attachments thereto, and to post updated

information concerning the amounts of defense plutonium down-blended and removed from South Carolina on a website maintained by DOE by March 15 of each year.

Respectfully submitted,

CHAD A. READLER
Assistant Attorney General
Civil Division

ERIC WOMACK
Assistant Director
Federal Programs Branch

BETH DRAKE
United States Attorney

By: s/ Barbara M. Bowens
BARBARA M. BOWENS (#4004)
Assistant United States Attorney
1441 Main Street, Suite 500
Columbia, South Carolina 29201
Telephone: (803) 929-3000

RAPHAEL O. GOMEZ (D.C. Bar #305540)
Senior Trial Counsel
U.S. Department of Justice, Civil Division
Federal Programs Branch
P.O. Box 883
Washington, D.C. 20044
Telephone: (202) 514-1318
Facsimile: (202) 616-8460
raphael.gomez@usdoj.gov

MARTIN M. TOMLINSON (#76014)
Trial Attorney
U.S. Department of Justice, Civil Division
Federal Programs Branch
P.O. Box 883
Washington, D.C. 20044
Telephone: (202) 353-4556
Martin.m.tomlinson@usdoj.gov

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Attorneys for the Defendants